IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2215 of 2004

Between:

M/s Surya Foods, Represented by its Proprietrix Smt.G.Suryakantham
W/o. G.Bhasakar Rao R/o. 5-2-43/1 Surya Rao Peta
Kakinada

..... PETITIONER

AND

1 Union of India, represented by its Secretary Ministry of Finance Department of Banking
New Delhi -110001
2 Bank of India Main road, Kakinada, Kakinada, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 1st respondent in enactment of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as being without legislative competence and quash the consequential proceedings issued by the 2nd respondent under section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security interest Act 2002 and issuance of possession notice dated 13-1-2004 and consequential proceedings are null, void, inoperative, unconstitutional and violation of principles of natural justice.

Counsel for the Petitioner:MR.A.V.GOPALA RAO

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)
Counsel for respondent No.2: Mr S.Suryaprakasa Rao

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

July 9, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 Secretary, Union of India, Ministry of Finance Department of Banking, New Delhi -110001
2 Bank of India Main road, Kakinada, Kakinada, East Godavari District.

3 2 CD copies.